

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

DALE JOSEPH LYNCH,

PLAINTIFF,

v.

CASE NO. 16-02859

HONORABLE VICTORIA A. ROBERTS

RICHARD LORY AND TIMOTHY LORY,

DEFENDANTS.

ORDER ADOPTING REPORT AND RECOMMENDATION (DOC. 15)
AND GRANTING MOTIONS TO DISMISS (DOCS. 7 AND 8)

Plaintiff Dale Joseph Lynch (“Lynch”) filed objections to Magistrate Judge Jeffery Frensley’s Report and Recommendation recommending that Defendants’ Motions to Dismiss (Docs. 7 and 8) be **GRANTED**. The Magistrate Judge concluded that: (1) Lynch does not establish that the Court has diversity jurisdiction over his cause of action; and (2) no federal question is presented. The case appears to involve an alleged trespass on land and involves only citizens of the State of Tennessee.

Under Federal Rule of Civil Procedure 72(b)(3), a district judge is required to determine *de novo* any part of a magistrate judge’s report and recommendation that has been properly objected to. See *also* 28 U.S.C. § 636(b)(1)(C). The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with further instructions. *Id.*

It is unclear whether Lynch’s objection is a proper one. He reiterates that he

was denied equal protection and suffered damages. He asks for an attorney.

Assuming this is a proper objection, and after *de novo* review, the Court agrees with the Magistrate Judge's conclusions and findings. He accurately laid out the facts as alleged; he considered the record as a whole; and his conclusions are well supported.

The Court **ADOPTS** Magistrate Judge Frensley's Report and Recommendation. Defendants' motions to dismiss are **GRANTED**. This action is **DISMISSED WITH PREJUDICE**.

IT IS ORDERED.

/s/ Victoria A. Roberts
VICTORIA A. ROBERTS
UNITED STATES DISTRICT JUDGE
SITTING BY SPECIAL DESIGNATION

Dated: September 14, 2017